

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MIROSLAV STOLICA,)	
)	
Petitioner,)	
)	
v.)	No. 4:22-CV-652-SRW
)	
ANN MARIE JORDAN STARKS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of a pleading filed by Petitioner Miroslav Stolica. (ECF No. 1). For the reasons explained below, the Court will give Mr. Stolica the opportunity to file an amended pleading that is accompanied by either the required filing fee, or a motion for leave to proceed *in forma pauperis*.

Background

Mr. Stolica instituted this action by mailing to this Court a pleading titled: “Cease and Desist Letter Before Federal Court Action . . . Fifth and Fourteenth U.S. Constitutional Protection Infringements on Liberty, Due Process and Equal Protection Laws.” (ECF No. 1 at 1). The pleading is addressed to Ann Marie Jordan Starks, the Acting Field Office Director of the St. Louis, Missouri Field Office of the Department of Homeland Security. Mr. Stolica submitted the pleading to this Court with the apparent intent of instituting a civil action.

In the pleading, Mr. Stolica avers he is a stateless person who is subject to a removal order. He presently lives in Illinois. He was previously in the custody of the Federal Bureau of Prisons (“BOP”) and Immigration and Customs Enforcement (“ICE”). Upon his release from such custody, ICE imposed an order of supervision that subjected him to various requirements,

including an in-person reporting requirement. Included with the pleading is a copy of the order of supervision. It provides, *inter alia*, that Mr. Stolica must “appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.” (ECF No. 1-1).

During a June 8, 2022 check-in at the Field Office in St. Louis, an immigration officer identified as “RMV” told Mr. Stolica he must begin reporting in person more frequently, or face consequences. Mr. Stolica claims the officer’s conduct violated his federally-protected rights. Mr. Stolica also states he is entitled to be “reinstated to one year check-in” and to receive “consideration for no check-in.” (ECF No. 1 at 2).

Discussion

Mr. Stolica does not identify a procedural basis for this action. Despite having thoroughly reviewed and liberally construed the pleading, the Court cannot determine, with sufficient certainty, what type of action Mr. Stolica intends to bring, or whether he intends to bring any action at all. While *pro se* pleadings are to be construed liberally, even *pro se* litigants must plead proper jurisdiction, and must abide by the Federal Rules of Civil Procedure.

If Mr. Stolica wishes to continue with this action in this Court, he must file an amended pleading to clarify the type of action he wishes to bring. The Court will direct the Clerk to mail to Mr. Stolica a copy of the Court’s form Petition For a Writ Of Habeas Corpus Under 28 U.S.C. § 2241, and a Civil Complaint form. If Mr. Stolica wishes to proceed with an action in this Court, he must fully complete the appropriate form and return it to the Court within fourteen days, along with the appropriate filing fee or a motion seeking leave to proceed without payment of such fee. The Court will also direct the Clerk to mail to Mr. Stolica a copy of the Court’s form Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases, and Application

to Proceed in District Court Without Prepaying Fees or Costs.

Accordingly,

IT IS HEREBY ORDERED that, within fourteen (14) days of the date of this order, Miroslav Stolica must file an amended pleading on the appropriate form, accompanied by the required filing fee or motion seeking leave to proceed without payment of such fee.

IT IS FURTHER ORDERED that the Clerk shall mail the following Court forms to Miroslav Stolica: Petition For a Writ Of Habeas Corpus Under 28 U.S.C. § 2241; Civil Complaint; Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases; and Application to Proceed in District Court Without Prepaying Fees or Costs.

Miroslav Stolica's failure to timely comply with this order may result in the dismissal of this case, without prejudice and without further notice.

Dated this 19th day of October, 2022.


STEPHEN R. WELBY
UNITED STATES MAGISTRATE JUDGE